

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Adrian Burdier,

Civil Action No.: _____

Plaintiff,

v.

National Grid USA Service Company, Inc.,

COMPLAINT

Defendant.

For this Complaint, Plaintiff, Adrian Burdier, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendant's repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (the "TCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1331, in that Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

3. Plaintiff, Adrian Burdier ("Plaintiff"), is an adult individual residing in New York, New York, and is a "person" as defined by 47 U.S.C. § 153(39).

4. Defendant, National Grid USA Service Company, Inc. ("National Grid") is a Massachusetts business entity with an address of 40 Sylvan Road, Waltham, Massachusetts 02451, and is a "person" as defined by 47 U.S.C. § 153(39).

FACTS

5. In 2017, National Grid began calling Plaintiff's cellular telephone, number 929-xxx-9786, using an automatic telephone dialing system ("ATDS" or "predictive dialer") and using an artificial or prerecorded voice.

6. When Plaintiff answered calls from National Grid, he heard a prerecorded message.

7. Plaintiff never provided his cellular telephone number to National Grid and never provided his consent to receive automated calls from National Grid.

8. In or around January 2017, Plaintiff spoke with National Grid and demanded that the calls cease.

9. However, Plaintiff continued to receive automated calls from National Grid.

10. Plaintiff filed a lawsuit against National Grid in May 2017, which subsequently settled in July 2017.

11. At that time, National Grid was fully aware that it did not have consent to place automated calls to Plaintiff's cellular telephone number.

12. Nevertheless, National Grid began placing automated calls to Plaintiff's cellular telephone again in August 2017.

13. National Grid's calls directly interfered with Plaintiff's right to peacefully enjoy a service for which he paid, and caused Plaintiff a significant amount of anxiety, frustration and annoyance.

COUNT I
VIOLATIONS OF THE TCPA, 47 U.S.C. § 227, et seq.

14. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

15. At all times mentioned herein, Defendant called Plaintiff's cellular telephone number using an ATDS or predictive dialer and/or using a prerecorded or artificial voice.

16. Defendant continued to place automated calls to Plaintiff's cellular telephone number despite knowing that it lacked consent to do so. As such, each call placed to Plaintiff

was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

17. The telephone number called by Defendant was and is assigned to a cellular telephone service for which Plaintiff incurs charges pursuant to 47 U.S.C. § 227(b)(1).

18. Plaintiff was annoyed, harassed, and inconvenienced by Defendant's continued calls.

19. The calls from Defendant to Plaintiff were not placed for "emergency purposes" as defined by 47 U.S.C. § 227(b)(1)(A)(i).

20. Plaintiff is entitled to an award of \$500.00 in statutory damages for each call placed in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

21. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be awarded in Plaintiff's favor and against Defendant as follows:

- A. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
- B. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C); and
- C. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: May 29, 2018

Respectfully submitted,

By

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